

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division
In Admiralty**

In the Matter of COEYMANS MARINE
TOWING, LLC D/B/A CARVER MARINE
TOWING as Owner and Operator of M/T
Mackenzie Rose, (IMO No. 8968765), *et al.*

Civil Action No. 2:24-cv-00490-MSD-LRL

**NORFOLK AND PORTSMOUTH BELT LINE RAILROAD COMPANY’S MOTION
FOR SANCTIONS FOR JAMES MORRISSEY’S FAILURE TO ATTEND DEPOSITION**

Claimant/Respondent Norfolk and Portsmouth Belt Line Railroad Company (“Belt Line”), by counsel, pursuant to Fed. R. Civ. P. 30 and 37, and Local Rules 30 and 37, respectfully moves the Court for an order imposing sanctions upon *pro se* party James Morrissey for failure to attend his deposition, and compelling him to appear for deposition forthwith. In support of this Motion, Belt Line states as follows:

1. Mr. Morrissey, a party to this admiralty action, was duly noticed to be deposed on June 24, 2025, at 10:00 a.m. CST in Panama City, Florida, at a law office a few miles from his residence in Lynnhaven, Florida.

2. The Notice of Deposition was emailed and mailed to Mr. Morrissey at his address of record in Lynnhaven, Florida on June 10, 2024. Although not required by Rule 30 for a party witness, because Mr. Morrissey is *pro se*, a Subpoena to Testify at a Deposition in a Civil Action was personally served on Mr. Morrissey on June 17, 2025. ECF No. 58.

3. Mr. Morrissey failed to appear for the deposition without notice or justification. He telephoned counsel for Belt Line the following day. He confirmed that he had received the notice

of deposition and had been served with the subpoena. He acknowledged that he had failed to appear. To avoid a motion for sanctions, he offered to travel to Norfolk, Virginia to be deposed on Monday June 30, 2024. As a condition of this agreement, counsel for Belt Line required that Mr. Morrissey sign a consent to appear at said deposition at his own expense. After it was emailed to him, he called to acknowledge receipt but never returned the signed consent, nor did he return messages left on his phone inquiring about the status of it. The effort to reschedule his deposition was unsuccessful.¹

4. Multiple parties, including attorneys for Belt Line and Carver, traveled to Florida at significant expense in reliance on Mr. Morrissey's obligation as a party to appear at his deposition. The travel expenses and fees of counsel for Belt Line for time spent traveling are set forth in the Brief in Support filed herewith.

5. A certified court reporter and a videographer were present. The invoices for these services will be submitted upon receipt from them.

WHEREFORE, Defendants respectfully request that the Court:

1. Order Mr. Morrissey to appear for deposition within 14 days at the office of counsel for the Belt Line;
2. Award the Belt Line its reasonable attorneys' fees, travel expenses and court reporting expenses incurred for the failed deposition;
3. Warn Mr. Morrissey that any further failure to attend his deposition may result in additional sanctions, including potential evidentiary or dispositive relief.

¹ Although Local Rule 37(E) does not technically apply here since Mr. Morrissey is *pro se*, counsel for NPBL made a good faith effort to resolve the controversy created by his failure to appear for his deposition by attempting to reschedule the deposition for June 30, 2025, in Norfolk, Virginia. Despite initial progress in that effort, Mr. Morrissey failed to provide written assurance of his attendance and failed to respond to emails and telephone calls to him thereafter.

Dated: July 3, 2025

NORFOLK AND PORTSMOUTH BELT
LINE RAILROAD COMPANY

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CERTIFICATE OF SERVICE

I certify that on this 3rd day of July, 2025, I served the foregoing by electronic mail on the following:

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